

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRACY BATTLE	:	CIVIL ACTION
	:	
v.	:	
	:	
CAROLYN W. COLVIN ¹	:	NO. 12-4069
Acting Commissioner of	:	
Social Security	:	

ORDER

AND NOW, this 17th day of October, 2013, upon careful and independent consideration of plaintiff Tracy Battle's brief and statement of issues in support of request for review (docket entry # 9), defendant Carolyn W. Colvin's response thereto (docket entries # 11, 13) and the Honorable David R. Strawbridge's thorough and well-reasoned report and recommendation (docket entry # 16), to which neither party has filed an objection within the period specified by Loc. R. Civ. P. 72.1 IV (b), and the Court agreeing with Judge Strawbridge that remand is necessary so that the Administrative Law Judge (ALJ) may (1) properly include all of the claimant's medically supported ailments in any hypothetical assessment by the vocational expert; (2) resolve the discrepancy between the ALJ's Residual Functional Capacity assessment that plaintiff is

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Fed. R. Civ. P. 25(d), Carolyn W. Colvin should be substituted for Michael J. Astrue as the defendant in this suit.

capable of no more than simple, repetitive tasks and the Vocational Expert's testimony about an appropriate job level; and (3) comment further and develop the record to explain specifically why she rejected the sit-stand option, it is hereby ORDERED that:

1. Judge Strawbridge's report and recommendation (docket entry # 16) is APPROVED and ADOPTED;

2. Plaintiff's request for review (docket entry # 9) is GRANTED IN PART and DENIED IN PART;

3. This case is REMANDED to the Commissioner for further proceedings consistent with Judge Strawbridge's report and recommendation (docket entry # 16); and

4. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:


Stewart Dalzell, J.